

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the above amendments the remarks below.

Pending claims 1-12 are canceled without prejudice and without abandonment of the subject matter thereof, and new claims 13-39 are herein added. Applicant believes that new claims 13-39 are fully supported by the specification.

The Claim Objections

The Examiner objects to originally filed claims 1, 5, 6, and 9 as containing the term "traverse" instead of "transverse." Applicant believes that new claims 13-39 and the cancellation of claims 1-12 render this objection moot.

The Prior Art Rejections

The Examiner rejects originally filed claims 1-3 under 35 U.S.C. §102(b) over U.S. Patent No. 3,838, 474 to Erickson. The Examiner further rejects the remaining originally filed claims under §103 over various combinations of Erickson and one or more of U.S. Patent No. 5,414,982 to Darnell, U.S. Patent No. 567,129 to Gibbs, and/or U.S. Patent No. 678,519 to Robinson.

Applicant respectfully submits that the above-described rejections are no longer applicable because Applicant has cancelled claims 1-12. Furthermore, Applicant believes that new claims 13-39 are patentably distinguishable over these references whether taken alone or in any combination.

New claim 13 requires a grading rake including an elongate rake head secured in a fixed position in relation to the handle by the holder, and a plurality of tines extending from the rake head for grading particulate matter, wherein an angle between the plurality of tines and the handle ranges from about thirty degrees to about sixty degrees.

Applicant submits that the cited references, whether taken alone or in any combination, fail to teach or suggest the invention as now claimed.

In addition, Applicant submits that claims 14-27, which depend directly or indirectly from claim 13, contain further patentably distinguishable features.

For substantially the same reasons, Applicant submits that claims 28-39 are patentably distinguishable over the cited references.

In view of the above, Applicant submits that Claims 13-39 are in condition for allowance and a notice thereof is respectfully requested.

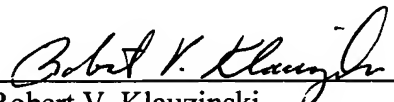
For the record, Applicant does not acquiesce to any of the rejections made of originally filed claims 1-12.

The Examiner is invited to telephone the undersigned attorney to discuss any matter in furtherance of this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account number 50-0845.

Respectfully submitted,

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